

***IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH***

***CRM No.M-3075 of 2016 (O&M)
Date of Decision: 28.04.2016***

Ramandeep Singh

... Petitioner

Versus

State of Punjab

... Respondent

**2. *CRM No.M-6310 of 2016 (O&M)
Date of Decision: 28.04.2016***

Gurmeet Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Varun Sharma, Advocate and
Mr. P.S. Jammu, Advocate for the petitioner(s).

Mr. D.S. Virk, AAG, Punjab.

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TEJINDER SINGH DHINDSA, J.

This order shall decide CRM No.M-3075 of 2016 (Ramandeep Singh Vs. State of Punjab) and CRM No.M-6310 of 2016 (Gurmeet Singh Vs. State of Punjab) as both these petitions have been filed seeking concession of pre-arrest bail to the petitioners in FIR No.224 dated 20.11.2015, under Sections 406/420 IPC, registered at Police Station Division No.8, Jalandhar.

The petitioners herein are father and son. Allegations in a nutshell are with regard to misappropriation of money collected from innocent people on the pretext of being sent abroad and running an agency in the name of Jalandhar Supreme Tours and Travels.

CRM No.M-3075 of 2016 came up for preliminary hearing before this Court on 11.02.2016 and the precise contention raised on behalf of the accused was that Gurmeet Singh (father) had instituted a suit for

permanent injunction against the complainant, namely, Shankar Lal in the month of September, 2015 and the present FIR was nothing but a counter blast to such proceedings.

It is on the basis of such assertion and contention that notice of motion was issued and ad interim protection as regards arrest was granted.

Likewise, CRM No.M-6310 of 2016 came up for hearing before this Court on 23.02.2016 and identical stand was taken on behalf of Gurmeet Singh also.

It would be appropriate to extract hereunder order dated 11.02.2016 passed in CRM No.M-3075 of 2016 while issuing notice of motion:

“Counsel would contend that it is a case of false implication. It is submitted that father of the petitioner Gurmeet Singh had instituted a suit for permanent injunction against the complainant Shanker Lal in the month of September, 2015 and the present FIR has been lodged after a period of 02 months merely as a counter blast.

List on 28.04.2016.

In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/ Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Likewise, the notice of motion order dated 23.02.2016 in CRM No.M-6310 of 2016 reads in the following terms:

“Counsel would submit that the allegations with regard to the petitioner running an agency in the name of Jalandhar Supreme Tours and Travels are totally concocted as the

petitioner is actually running a tyre shop. It is further contended that the petitioner had instituted a suit for permanent injunction against the complainant Shanker Lal in the month of September, 2015 in respect of the shop in question and the present FIR has been lodged after a period of two months merely as a counter blast. It is further submitted that co-accused i.e. son of the present petitioner has been granted interim protection by this Court in the light of order dated 11.02.2016 in CRM No.M-3075 of 2016.

Notice of motion, returnable for 28.04.2016.

To be listed along with CRM No.M-3075 of 2016.

In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/ Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

During the course of arguments today, it has transpired that the assertion taken on behalf of the petitioners at the stage of preliminary hearing is totally false. The shop in question from where the petitioners claimed to be running a tyre business does not belong to the complainant and neither has any suit been filed against the complainant in respect of the shop in question.

This Court is of the considered view that both the petitioners in these two connected petitions procured an interim order by making false assertion and as such an attempt was made to mislead the Court.

The petitioners by their conduct have dis-entitled them from any indulgence to be shown.

Both the petitions are dismissed.

28.04.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**